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EXAMINER

KOYAMA, KUMIKO C

ART UNIT PAPER NUMBER

2876

DATE MAILED: 01/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/965,953

Applicant(s)

LANCOS ET AL.

Examiner

Kumiko C. Koyama

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5, 6 & 7. 6) ☐ Other: ____

DETAILED ACTION

Claim Objections

1. Claims 5 and 28 is object to because of the following informalities:

Re claim 5, line 1: Claim 5 discloses "The method of claim 1, wherein deducting said sales amount comprises..." However, claim 1 does not disclose "deducting said sales amount." The examiner respectfully requests the applicant to clarify claim 5 by changing it to --The method of claim1, further comprising deducting said sales amount comprises...-- or --modifying a sales amount further comprises deducting the sales amount...--.

Re claim 28, line 2: "an identify" should be changed to --an identifier--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 26-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Freeman et al (US 6,450,407).

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Re claim 26: Freeman teaches a guest data object stored in a memory comprising a first data field containing information related to the monetary credits useful for making monetary transactions within a coverage area (col 15 lines 31-38, 66+, Fig 6-8).

Re claim 27: Freeman teaches that the guest data object further comprises a second data field containing information related to one or more items purchased by a guest within a coverage area (Fig 7, col 17 lines 5-33).

Re claim 28: Freeman teaches that the guest data object comprises a second data field containing information related to an identifier of the guest (Fig 6).

Re claim 29: Freeman teaches a data structure stored in a memory defining a first data field for containing information related to monetary credits useful for making monetary transactions within a coverage area (col 15 lines 31-38, 66+, Fig 6-8).

Re claim 30: Freeman teaches that the data structure further defining a second data field for containing information related to one or more items purchased by a guest within a coverage area (Fig 7, col 17 lines 5-33).

Re claim 31: Freeman teaches that the data structure further defining a second data field for containing information related to an identifier of the guest (Fig 6).

4. Claim 35 is rejected under 35 U.S.C. 102(e) as being anticipated by Day et al (US 6,484,146).

Day teaches an input device to receive information related to an item to be purchased by a guest within a coverage area (col 5 lines 22-23, col 19 lines 41-46), a reader/writer to read and modify information related to monetary credits for making monetary transaction within a coverage area (col 6 lines 20+) and a processor to receive the information related to the item to be purchased and the information related to the

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monetary credits and to cause the reader/write to modify the information related to the monetary credits based on the information related to the item to be purchased (col 6 lines 20+).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 5, 9 and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Day et al (US 6,484,146) in view of Mosher, Jr. et al (US 5,979,941, as cited by the applicant).

Re claim 1 and 32-33: Day teaches a method of selling an item to a guest at a coverage area comprising reading an identification card to obtain a card identifier (col 4 lines 57-65), accessing a guest data object using the card identifier (col 4 lines 32-40, col 5 lines 27-35) and modifying a sales amount of the item from a monetary credits information stored in a monetary credits data field of the guest data object (col 6 lines 20-56).

However, Day fails to teach an identification tag worn by a guest.

Mosher teaches an identification wristband 16 with the symbology 40 (Fig 4).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Mosher to the teachings of

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Day because a wristband does not require extra movement by the customer, such as removing a card from purse, which enhances convenience and utilizes less time.

Re claim 5: Day teaches a modifying a sales amount includes subtracting discounts from the consumers total bill (col 2 lines 9-11).

Re claim 9: Day teaches transmitting a transaction confirmation from the central server to the POS system (col 6 lines 49-54) and printing sale confirmation related to the selling of the item on a sheet of paper at the POS system (col 7 lines 14-19).

7. Claims 2, 3 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Day as modified by Mosher as applied to claim 1 and 32 above, and further in view of Reddersen et al (US 5,905,249). Day as modified by Mosher have been discussed above.

Day as modified by Mosher fail to disclose that the identification tag comprises a radio frequency identification (RFID) tag and reading the identification tag comprises using an RFID reader to read the tag identifier from the RFID tag.

Reddersen discloses other types of labels or tags and also discloses that a RFID tag and a reader for obtaining information from the RFID tag (col 9 lines 54+).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Reddersen to the teachings of Day as modified by Mosher because RFID tag are capable of containing more information and programs than regular bar code tags and therefore, provides a more detailed information about the customer to uniquely identify the customer.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Day as modified by Mosher as applied to claim 1 above, and further in view of Barrus et al (US 5,465,291). Day as modified by Mosher have been discussed above.

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Day as modified by Mosher teaches a processor for retrieving the guest data object stored (col 6 lines 25-28).

Day as modified by Mosher fail to teach a non-volatile memory.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Barrus to the teachings of Day as modified by Mosher in order to avoid deletion of data and maintain an accurate information and historical data of a customer, so that such information may be used for further promotions and offers.

9. Claims 6, 7, 10, 13-16 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Day as modified by Mosher as applied to claim 1 above, and further in view of Snyder (US 6,502,749). Day as modified by Mosher have been discussed above

Day teaches updating a purchase data field of the guest data object with the item description (col 14 lines 54-60). Day further teaches an input device to receive information related to an item to be purchased by the guest (col 5 lines 22-23, col 19 lines 41-46). Day teaches that the check-out 34 communicates with the store computer and transmits identifier and item information to the store computer (col 6 lines 20+).

Day as modified by Mosher fail to specifically teach a network interface and a processor.

Snyder teaches a processing unit 78b including a network interface to permit the check-out system 10 to communicate with the retailer's network 184 such as a LAN or WAN.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Snyder to the teachings of

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Day as modified by Mosher in order to perform the communication between the check-out/poin-of-sale and the store level computer/central server so that information or data can be exchanged to make the appropriate and accurate transaction and deductions.

Re claim 13: Day as modified by Mosher fail to teach that the input device comprises a touch screen input device.

Snyder teaches a touch screen input device (col 17 lines 29-35).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Snyder to the teachings of Day as modified by Mosher because a touch screen input device provides an easier using input device by providing visual aids as well as more clearly defined input methods, indicating exactly where to make the input select, which helps the customer process faster.

Re claim 14: Day teaches that the input device is a bar code scanner (col 5 lines 14-16, 22-23).

Re claim 15: Day as modified by Mosher fail to a POS system with a display for displaying information related to the purchase of the item.

Snyder teaches a checkout system with a display for displaying information related to the purchase of the item (col 15 lines 23-27).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Snyder to the teachings of Day as modified by Mosher because it provides a visual indication of all the transaction information, instructions in order to make sure that all the purchased items are purchased

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at the correct price and gives the opportunity to indicate a mistake in price when items are charged at a wrong price.

Re claim 16: Day teaches printing the running total on the customer's receipt.

However, Day fails to specifically teach a printer in at the POS.

Snyder teaches a receipt printer 54 in a checkout system (col 10 lines 67).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Snyder to the teachings of Day as modified by Mosher in order to communicate with customers and indicate which items were discounted so that the customers know how much they have saved and how much they have spent and also prevents from charging customer more money.

Re claim 18: Day teaches that the information related to the item comprises a description of the item (col 5 lines 14-16, col 6 lines 25-26).

Re claim 19: Day teaches that the information related to the item comprises an identification code of the item (col 5 lines 14-16, col 6 lines 25-26)

10. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Day as modified by Mosher as applied to claim 6 above, and further in view of Bello (US 6,220,515) and Monroe et al (US 5,259,025). Day as modified by Mosher have been discussed above.

Day as modified by Mosher fail to disclose transmitting a digital guest photo from a central server to the POS system and transmitting a guest identification confirmation message from the POS system to the central server if the digital guest photo contains an image of the guest.

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Bello teaches a database containing a digital form identification photo of the authorized cardholder and is transmitted to the point of transaction to be viewed by the attendant (col 2 lines 45-55).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Bello to the teachings of Day as modified by Mosher in order to provide another identification means to verify that the tag is utilized by the authorized user and avoid any other user to take advantage of the discounts and offers.

Monroe teaches sending a confirmation message if the photo contains an image of the cardholder (col 6 lines 19-22).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Monroe to the teachings of Day as modified by Mosher and Bello and transmit a guest identification confirmation message to indicate a match between the tag holder and the authorized user of the tag, so that further transaction and deductions may be made and processed immediately after the confirmation.

11. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Day as modified by Mosher and Snyder as applied to claim 10 above, and further in view of Reddersen. Day/Mosher/Snyder have been discussed above.

Day/Mosher/Snyder fail to disclose that the identification tag comprises a radio frequency identification (RFID) tag and reading the identification tag comprises using an RFID reader to read the tag identifier from the RFID tag.

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Reddersen discloses other types of labels or tags and also discloses that a RFID tag and a reader for obtaining information from the RFID tag (col 9 lines 54+).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Reddersen to the teachings of Day/Mosher/Snyder because RFID tag are capable of containing more information and programs than regular bar code tags and therefore, provides a more detailed information about the customer to uniquely identify the customer.

12. Claims 12 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Day as modified by Mosher and Snyder as applied to claim 10 above, and further in view of Goodwin III (US 6,164,535). Day/Mosher/Snyder have been discussed above.

Day/Mosher/Snyder fail to teach that the input device comprises a keyboard.

Goodwin teaches that an input device comprises a keyboard (col 2 lines 62-65) and the input device is used to send price changes (col 2 lines 62-65).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Goodwin to the teachings of Day/Mosher/Snyder because keyboards are useful when the price in the database has not been updated and a different price needs to be entered during, which provides the customer with the latest and cheapest price for a certain item.

13. Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Day as modified by Mosher and Snyder as applied to claim 10 above, and further in view of Bello and Monroe.

Day as modified by Mosher fails to specifically teach a network interface to communicate with a point-of-sale (POS) system.

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Snyder teaches a processing unit 78b including a network interface to permit the check-out system 10 to communicate with the retailer's network 184 such as a LAN or WAN.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Snyder to the teachings of Day as modified by Mosher in order to perform the communication between the check-out/point-of-sale and the store level computer/central server so that information or data can be exchanged to make the appropriate and accurate transaction and deductions.

Day/Mosher/Snyder fail to disclose transmitting a digital guest photo from a central server to the POS system and transmitting a guest identification confirmation message from the POS system to the central server if the digital guest photo contains an image of the guest.

Bello teaches a database containing a digital form identification photo of the authorized cardholder and is transmitted to the point of transaction to be viewed by the attendant (col 2 lines 45-55).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Bello to the teachings of Day/Mosher/Snyder in order to provide another identification means to verify that the tag is utilized by the authorized user and avoid any other user to take advantage of the discounts and offers.

Monroe teaches sending a confirmation message if the photo contains an image of the cardholder (col 6 lines 19-22).

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Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Monroe to the teachings of Day/Mosher/Snyder/Bello and transmit a guest identification confirmation message to indicate a match between the tag holder and the authorized user of the tag, so that further transaction and deductions may be made and processed immediately after the confirmation.

14. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Day in view of Snyder and Barrus et al (US 5,465,291).

Day teaches a central server to facilitate transaction within a coverage area comprising a memory to store a guest data object including a first data field containing information related to monetary credits (col 3 lines 31-39), a processor to receive information related to a guest of the coverage area and information related to an item being purchased and to modify the monetary credits information based on a sales price of the item (col 6 lines 20-56).

Day fails to specifically teach a network interface to communicate with a point-of-sale (POS) system.

Snyder teaches a processing unit 78b including a network interface to permit the check-out system 10 to communicate with the retailer's network 184 such as a LAN or WAN.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Snyder to the teachings of Day in order to perform the communication between the check-out/poin-of-sale and the

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store level computer/central server so that information or data can be exchanged to make the appropriate and accurate transaction and deductions.

Day fails to teach a non-volatile memory.

Barrus teaches non-volatile mass storage containing customer database (col 9 lines 10-14).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Barrus to the teachings of Day as modified by Snyder in order to avoid deletion of data and maintain an accurate information and historical data of a customer, so that such information may be used for further promotions and offers.

15. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Day as modified by Snyder and Barrus as applied to claim 23 above, and further in view of Freeman. Day/Snyder/Barrus have been discussed above.

Freeman teaches that the guest data object further comprises a second data field containing information related to one or more items purchased by a guest within a coverage area and storing the information related to the item being purchased (Fig 7, col 17 lines 5-33).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Freeman to the teachings of Day/Snyder/Barrus in order to keep a record of the information regarding the purchases so that discounts and rebates may be offered for frequent purchasers and also the record may be used for statistical reasons to enhance quality of products.

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16. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Days as modified by Snyder and Barrus as applied to claim 23 above, and further in view of Bello. Days/Snyder/Barrus have been discussed above.

Days/Snyder/Barrus fail to teach that the guest data object further includes a second data field containing information related to a digital photograph of the guest, and wherein the processor causes a transmission of the guest photograph to the POS system by way of network interface.

Bello teaches a database containing a digital form identification photo of the authorized cardholder and is transmitted to the point of transaction to be viewed by the attendant (col 2 lines 45-55).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Bello to the teachings of Day/Snyder/Barrus in order to provide another identification means to verify that the tag is utilized by the authorized user and avoid any other user to take advantage of the discounts and offers.

17. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Day as applied to claim 35 above, and further in view of Reddersen.

Day fails to disclose that the identification tag comprises a radio frequency identification (RFID) tag and reading the identification tag comprises using an RFID reader to read the tag identifier from the RFID tag.

Reddersen discloses other types of labels or tags and also discloses that a RFID tag and a reader for obtaining information from the RFID tag (col 9 lines 54+).

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Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Reddersen to the teachings of Day because RFID tag are capable of containing more information and programs than regular bar code tags and therefore, provides a more detailed information about the customer to uniquely identify the customer.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sloane, U.S. Patent No. 5,918,211, discloses a method and apparatus for promoting products and influencing consumer purchasing decisions at the point-of-purchase.

Nichtberger et al, U.S. Patent No. 4,882,675, discloses paperless system for distributing, redeeming and clearing merchandise coupons.

Matsumori, U.S. Patent No. 6,179,206, discloses an electronic shopping system having self-scanning price check and purchasing terminal.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kumiko C. Koyama whose telephone number is 703-305-5425. The examiner can normally be reached on Monday-Friday 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 703-305-3503. The fax phone numbers for

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the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

kck
January 24, 2003



MICHAEL G. LEE
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